UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/808,820	03/25/2004	James Worden Toffey	649087/004 SPB/RE	7594

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EXAMINER
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ART UNIT	PAPER NUMBER
3691	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _28 February 2007_.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-31_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-31_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Response to Amendment

Claims 1-31 are pending. This action is in response to the remarks received February 28, 2007.

Response to Arguments

The rejection of claims 1-31 under 35 U.S.C. 103(a) as being unpatentable by Gianakouros et al. (US 2002/0055901) and Cristofich et al. (US 6,173,270) is maintained.

Upon a closer examination, Applicant's arguments filed February 28, 2007 have been fully considered but they are not persuasive.

In response to the arguments concerning the previously rejected claims the following comments are made:

A.) Applicant alleges that the prior art made of record fails to teach trade order includes a pre-allocation of customer accounts. The examiner disagrees with applicant's representative since Gianakouros teaches trade order includes a pre-allocation of customer accounts (para. 0025-0026, 0029, and 0080). Gianakouros discloses pre-allocation of customer accounts when the customer buying and selling for their own account. He discloses trade for their own accounts on the same side of the same security on the expectation that the price effect produced by the subsequent execution of the larger institutional order will impact the price of the subject security in a manner that will result in quick profits for the opportunistic trader.

B.) Applicant alleges that the prior art made of record fails to teach settlement instruction sets. The examiner disagrees with applicant's representative since Gianakouros teaches settlement instruction sets when he discloses for clearance and settlement purposes, every execution on the system is a trade between the system and a sponsoring broker (para. 0017, 0027, and 0037; fig. 2). Gianakouros discloses an instruction permitting automatic trading via standing instructions in relation to an account relational database). He discloses the system immediately executes the agreed-upon trade as agent at the current market midpoint, with the applicable institutional participants' respective sponsoring brokers serving automatically (on their clients' behalf) as the system's counterparties for the transaction--i.e., for clearance and settlement purposes, every execution on the system is a trade between the system and a sponsoring broker, and never a trade between the system and an institutional investor.

C.) Applicant alleges that the prior art made of record fails to teach an appropriate clearing institution. The examiner disagrees with applicant's representative since Gianakouros teaches an appropriate clearing institution when he discloses clearance process (para. 0017, 0079, and 0092).. Gianakouros discloses clearance process in relation to execution of block-size trades in financial instruments on behalf of institutional investors.

D.) Applicant alleges that the prior art made of record fails to teach inputting axe details into an interface provided by the axe generation module. The examiner disagrees with applicant's representative since Gianakouros teaches inputting axe details into an

interface provided by the axe generation module when he discloses execution window

(para. 0089 and 0092). Gianakouros provides information regarding activity for the

security in question, and invites the represented institutional user to type in and submit

a trading size (in shares) and associated price limit for execution. The "Executions"

window reports any trades executed on the System on the represented institutional

user's behalf. As stated in the present applicant's pending application, a message from

a dealer to a customer regarding a trade is commonly referred to as an "axe."

Presently, dealer axes are communicated to customers via telephone or some other

electronic based messaging system, such as through Bloomberg L. P.'s BLOOMBERG

PROFESSIONAL.RTM. service, electronic mail, or an electronic indication of interest

(IOI system). Therefore, Gianakouros discloses execution window corresponding to the

claimed axe module.

E.) Applicant alleges that the prior art made of record fails to teach trade records. The examiner disagrees with applicant's representative since Cristofich teaches trade records when he discloses the participant records in accordance with the Plan and specifically updating the options (vested) available for transacting by the participant (col. 6, lines 8-21; figs. 1-2). . Cristofich discloses the system maintains in memory records of participating individuals having present or future rights to exercise options of select stock, as well as a plurality of distinct option plans that dictate the implementation of the plan participants' rights in exercising the options granted to the participants. Processing is both time-driven and event-driven; for example, periodic updates to the participant's records occur at regular (preferably at least daily) intervals. He discloses stocks in relation to option that keeps all records in a database.

With regards to the claims rejected as taught by Gianakouros and Cristofich, the examiner would like to point out that the reference teaches the claimed limitations and thus provides adequate support for the claimed limitations. Therefore, the examiner maintains that Gianakouros and Cristofich taught the claimed limitations.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims **1-31** are rejected under 35 U.S.C. 103(a) as being unpatentable over

Gianakouros et al. (US 2002/0055901) in view of Cristofich et al. (US 6,173,270).

Re claim **1**, Gianakouros teaches a system for effecting straight-through-processing of

trades executed between a customer and a dealer (para. 0006-0007), the system

comprising:

a trade execution system including one or more computer systems capable of

generating a trade order and executing a block trade between the customer and the dealer

based on the trade order wherein the trade order includes a pre-allocation of customer

accounts, the trade execution system in communication with one or more customer computer

systems and dealer computer systems having software operable thereon for permitting

communication of trading data through the trade execution system (para. 0025-0026, 0029,

and 0080);

an account database for storing one or more account information [records..replaces

with entry in paragraphs 0037 and 0050 of Gianakouros] that are accessible by the trade

execution system, the account information [records/entries] being associated with one or

more settlement instruction sets (para. 0017, 0027, and 0037; fig. 2; Gianakouros discloses

an instruction permitting automatic trading via standing instructions in relation to an account

relational database); and

wherein the trade execution system is operative with programming to: store a block

trade [record/entry] including details of the block trade executed by the customer and the

dealer (para. 0030, 0037-0038, and 0054; Gianakouros discloses trading alerts are entered

by participating brokers and block trades are negotiated by institutional clients);

generate an allocated trade [record/entry] for each of the account allocations received

from the customer computer system, each of the allocated trade [record/entry] being

associated with the block trade [record/entry] (para. 0017, 0010, and 0007);

receive an indication from the dealer computer system that the allocated trade

[record/entry] are confirmed (para. 0060, 0077, and 0082);

enrich the allocated trade records by incorporating one of the settlement instruction

sets into each of the allocated trade [record/entry] (para. 0011 and 0037); and

transmit each of the enriched allocated trade [record/entry] to an appropriate clearing

institution (para. 0017, 0079, and 0092).

However, Gianakouros does not explicitly teach record. On the other hand,

Cristofich discloses record when he discloses a new record corresponding to that participant

(col. 6, lines 8-21; figs. 1-2). Cristofich discloses system seeks the remaining defining

parameters for that participant for storage within the addressable database record. He also

discloses the records for the Ith participant are updated with the new information replacing

the existing entries/files in the database. Thus, it would have been obvious to one of

ordinary skill in the art to implement record as a entry when dealing with trading stocks as

discloses in Cristofich.

Re claims 2 and 7, Gianakouros teaches a trade history database wherein the block

trade records and allocated trade records are stored, the block trade records and allocated

trade records being accessible by the customer computer and dealer computer systems such

that the customer and dealer can view summary reports (figs. 2-3).

Re claims **3-4**, Gianakouros teaches programming operative on the trade execution system is server-based programming that operates in conjunction with programming on the customer computer system and dealer computer system which is client-based programming to achieve a client-server environment (para. 0086 and 0091-0092; fig. 2).

Re claims **5-6**, Gianakouros teaches graphical interfaces enable the customer to generate trade inquiries and transmit the trade inquiries to one or more dealers and wherein the graphical interfaces enable the dealer to receive the trade inquiries and generate firm prices in response to the trade inquiries and transmit firm prices to the customer (para. 0046, 0048-0049, 0054, and 0077; figs. 2 and 4-5).

Re claim **9**, Gianakouros teaches indication is a click of a graphical button (para. 0079-0080, 0087, and 0090-0092).

Re claims **8, 10-15, 17-18, 20-26,** and **27-31**, Gianakouros teaches a method as claimed in claims 1 and 19. Therefore the rationale applied in the rejection of claims 1 and 19 applies herein.

Re claim **16**, Gianakouros teaches trade is executed via telephone (para. 0045 and 0078).

Re claim **19**, Gianakouros teaches Gianakouros teaches a method as claimed in claim 1. Therefore the rationale applied in the rejection of claim 1 applies herein. In addition, Gianakouros teaches a dealer axe to one or more selected customers (para. 0089), the method comprising:

initiating an axe generation module (para. 0092; Gianakouros teaches message window corresponding to axe);

inputting axe details into an interface provided by the axe generation module (para. 0089 and 0092);

generating an electronic axe trade ticket wherein the axe trade ticket is actionable by the customers for a quantity up to a total axe quantity or only for the total axe quantity (para. 0037, 0049, and 0092);

transmitting the electronic axe trade ticket to the one or more selected customers (para. 0045 and 0077-0079);

receiving an indication from at least one of the selected customers that the axe details in the electronic axe are acceptable (para. 0047 and 0050).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).
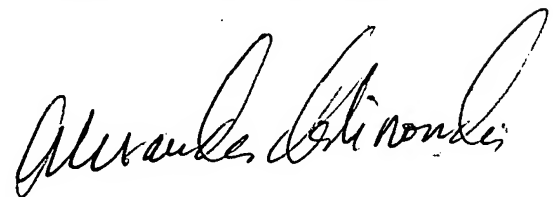
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Thao Havan whose telephone number is (571) 272-8111. The examiner can normally be reached during her flexitime schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct-uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).

TTH
5/8/2007

ALEXANDER KALINOWSKI
SUPERVISORY PATENT EXAMINER